

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL JONES, :
Plaintiff, : ORDER
-v.- :
18 Civ. 1937 (VSB) (GWG)
CITY OF NEW YORK, et al., :
Defendants. :
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Today, we grant in part plaintiff Michael Jones's motion for leave to amend and deny his motion to extend discovery. In two letters relating to those motions, Jones asserts that defendant Dr. Olga Segal has not provided Jones with certain documents related to a June 1, 2015 appointment: specifically, documents entitled "Insurance: Self Pay" and "Progress Notes." See Letter from Michael Jones, filed July 17, 2020 (Docket # 98) ("July 17 Letter"), at 1, 3; Letter from Michael Jones, filed September 1, 2020 (Docket # 105) ("Sept. 1 Letter"), at 1-2. Jones's basis for believing that these records exist is that a "Summary View" form provided to him purportedly indicates as much. See July 17 Letter at 1. While Dr. Segal denies that the form so indicates, the more important point is that she states she does not have any other documents referencing or relating to any June 1, 2015 appointment with Jones. See Letter from Bruce Brady, filed July 20, 2020 (Docket # 99) at *1-2.¹ The Court cannot order a party to produce documents it does not have.

Jones asserts that the "Insurance: Self Pay" and "Progress Notes" documents were medical records that were required to be retained under various statutes. See Sept. 1 Letter at 1-2. This assertion does not change the fact that defendant claims not to have possession of these documents.

Accordingly, Jones's request for an order requiring the production of these documents is denied.

SO ORDERED.

Dated: November 29, 2021
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

¹ " __ * " refers to pages assigned by the ECF system.